



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department for the Visually Handicapped
VAC Chapter Number:	50
Regulation Title:	Regulation Governing Provisions of Services in Vocational Rehabilitation
Action Title:	Amend for Clarity & Update
Date:	04/11/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

This regulation provides eligibility criteria, services offered, financial participation guidelines, and client's rights for the Department's Vocational Rehabilitation Program. . After reviewing the relationship of this regulation to both the federal vocational rehabilitation regulations and the VDVH vocational rehabilitation State plan required under the Rehabilitation Act of 1973 as amended, the Department will amend the current regulation by: a) substantially adopting the federal vocational rehabilitation regulations; b) promulgating regulations in areas that the federal vocational rehabilitation State plan requires options to be chosen which bear directly on customer services - including: Financial Need and Order of Selection for Services; and c) Deleting unnecessary detail from the body of the regulation, thus making it more easily understood and less burdensome to maintain and update.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Code of Virginia § 63.1-85(7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-85>) mandates the Commissioner to promulgate regulations to carry out the provisions of this title and Code of Virginia § 9-6.14:4(B), (D) and (F) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+9-6.14C4>) mandate the Department to have regulations for those services and programs in which Department action affects individual substantive rights and benefits. The Vocational Rehabilitation Program is such a program.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Office of the Attorney General found that this regulation is mandated by state law. After reviewing the relationship of this regulation to both the federal vocational rehabilitation regulations and the VDVH vocational rehabilitation State plan required under the Rehabilitation Act of 1973 as amended, (http://www.access.gpo.gov/nara/cfr/waisidx_99/34cfr361_99.html) the Department will amend the current regulation by: a) substantially adopting the federal vocational rehabilitation regulations; b) promulgating regulations in areas that the federal vocational rehabilitation State plan requires options to be chosen which bear directly on customer services - including: Financial Need and Order of Selection for Services; and c) Deleting unnecessary detail from the body of the regulation, thus making it more easily understood and less burdensome to maintain and update.

This regulation provides eligibility criteria, services offered, financial participation guidelines, and client's rights for the Department's Vocational Rehabilitation Program and since these sections deal with an individuals substantive rights and benefits, they are essential in protecting the health, safety and welfare of citizens.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

No alternatives were considered as the Office of the Attorney General found that this regulation is mandated by state law.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Amending this regulation will have no impact on the institution of the family and family stability.